

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BRICKLAYERS INSURANCE AND WELFARE FUND, :  
BRICKLAYERS PENSION FUND, BRICKLAYERS :  
SUPPLEMENTAL ANNUITY FUND, BRICKLAYERS :  
AND TROWEL TRADES INTERNATIONAL PENSION :  
FUND, NEW YORK CITY AND LONG ISLAND JOINT :  
APPRENTICESHIP AND TRAINING FUND, :  
INTERNATIONAL MASONRY INSTITUTE, and :  
JEREMIAH SULLIVAN, JR., in his fiduciary capacity as :  
Administrator and Chairman of Trustees, BRICKLAYERS :  
LOCAL 1, INTERNATIONAL UNION OF :  
BRICKLAYERS AND ALLIED CRAFT WORKERS, and :  
BRICKLAYERS LABOR MANAGEMENT :  
COMMITTEE, :

Plaintiffs,

-against-

J.K. MERILLIN BUILDERS, INC., STONEWALL :  
CONTRACTING CORP., THE HANOVER INSURANCE :  
CO., and PARAMVIR SINGH, :

Defendants.

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ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated September 12, 2014, from the Honorable Viktor V. Pohorelsky, United States Magistrate Judge.

No objections have been filed. Accordingly, the court has reviewed the Report and Recommendation for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); accord Brissett v. Manhattan & Bronx Surface Transit Operating Auth., No. 09-CV-1930682 (CBA) (LB), 2011 WL 1930682, at \*1 (E.D.N.Y. May 19, 2011). Having reviewed the record, I find no clear error. I hereby adopt the Report and Recommendation, in its entirety, as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

Therefore, plaintiffs' motion for default judgment, Dkt. #26, is granted in part as to damages awards and denied in part as to the request for injunctive relief. The Clerk of Court is directed to enter a default judgment against defendants J.K. Merillin Builders, Inc., and Paramvir Singh for the following awards:

I. As against J.K. Merillin Builders, Inc.,

(1) \$68,599.40 in damages, consisting of

(a) Unpaid ERISA contributions to the Bricklayers Insurance and Welfare Fund, Bricklayers Pension Fund, Bricklayers Supplemental Annuity Fund, Bricklayers and Trowel Trades International Pension Fund, New York and Long Island Joint Apprenticeship and Training Fund, and International Masonry Institute (the "Funds") in the amount of \$53,143.16;

(b) Liquidated damages on the unpaid ERISA contributions to the Funds in the amount of \$10,628.63; and

(c) Unpaid remittances to Bricklayers Local 1, International Union of Bricklayers and Allied Craft Workers ("Local 1") and Bricklayers Labor Management Committee ("LMC") in the amount of \$4,827.61;

(2) \$23,242.69 in prejudgment interest, consisting of

(a) \$21,504.37 in prejudgment interest on the unpaid ERISA contributions to the Funds, including \$21,242.29 in prejudgment interest through September 15, 2014, plus \$14.56 per diem from September 15 until the entry of judgment on October 3, 2014, amounting to \$262.08; and

(b) \$1,738.32 in prejudgment interest on the unpaid remittances to Local 1 and the LMC, including \$1,716.90 in prejudgment interest through

September 15, 2014, plus \$1.19 per diem from September 15 until the entry of judgment on October 3, 2014, amounting to \$21.42; and

(3) \$350.00 in costs.

II. As against Paramvir Singh, who is jointly and severally liable for a portion of the damages and costs assessed against J.K. Merillin Builders, Inc.,

(1) \$16,855.94 in damages, consisting of

(a) Unpaid contributions to the Funds in the amount of \$12,430.53; and

(b) Unpaid dues to Local 1 and LMC in the amount of \$4,425.41; and

(2) \$350.000 in costs.

Plaintiffs are hereby directed to serve copies of this order upon defendants by first-class mail, at each of their last known addresses, and to promptly file proof of service with the Clerk of Court.

SO ORDERED.

/s/(ARR)

Allyne R. Ross  
United States District Judge

Dated: October 3, 2014  
Brooklyn, New York

SERVICE LIST:

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cc: Magistrate Judge Viktor V. Pohorelsky